

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Notomi et al.)	
)	
U.S. Serial No.:	:	10/782,040)	Examiner
)	Christopher M. Babic
)	
Filed	:	February 19, 2004)	Art Unit
)	1637
For	:	METHOD OF SYNTHESIZING NUCLEIC)	
		ACID)	
)	

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Eiken Kagaku Kabushiki Kaisha, is the owner of the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,410,278 and 6,974,670. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that any one of the prior patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignee of the entire right, title, and interest of the above-identified application hereby confirms that an assignment for the subject application was recorded as follows in the U.S. Patent and Trademark Office: September 6, 2000, at Reel 011078/Frame 0411 to Eiken Kagaku Kabushiki Kaisha (as recorded for grandparent U.S. application 09/530,061, now Patent 6,410,278).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Please charge the \$130 terminal disclaimer fee under 37 CFR § 1.20(d) to Deposit Account No. 14-1138. Any additional fees or any overpayment can be charged/credited to Deposit Account No. 14-1138.

If any additional information is required for acceptance of this Terminal Disclaimer, then the undersigned attorney respectfully requests that the official responsible for acting on the above-identified petition contact the undersigned attorney to correct any deficiency prior to denial or dismissal.

Respectfully submitted,

Date: July 2, 2007

/Edwin V. Merkel/
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